

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

Cohen  
PL-1

**FILE:**

B-222803

**DATE:** April 17, 1986

**MATTER OF:**

H & A Janitorial, Inc.

**DIGEST:**

Protest that the low bid was below cost does not provide a valid basis on which to challenge a contract award. Such a protest questions the bidder's responsibility, which the General Accounting Office does not review except in limited circumstances.

H & A Janitorial, Inc., protests award to any of the seven lower bidders under Department of the Navy invitation for bids No. N62477-86-B-0507. H & A complains that all seven failed to comply with the invitation's minimum manning requirements and also bid too low to recover the expenses that will be incurred in contract performance.

The Navy informally advises that although the invitation as issued specified minimum manning levels, that specification was deleted by an amendment that H & A itself acknowledged. Accordingly, H & A's complaint on this issue provides no basis to object to acceptance of any of the bids.

Further, even if the seven low bids are below-cost bids, an agency's acceptance of such an offer is not legally objectionable and does not provide a basis on which a contract award may be challenged. EVCO National, B-220635, Oct. 18, 1985, 85-2 C.P.D. ¶ 427. Rather, whether a bidder will be able to meet contract requirements in light of its offered price is a matter of responsibility to be determined by the contracting officer. Alan Scott Industries, B-219096, June 20, 1985, 85-1 C.P.D. ¶ 706. In this respect, our Office does not review a contracting officer's determination that a firm is responsible absent a showing that the determination may have been made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(f)(5) (1985).

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong".

Robert M. Strong  
Deputy Associate General Counsel

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